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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

TEVA BRANDED PHARMACEUTICAL,
PRODUCTS R&D, INC., and NORTON
(WATERFORD) LTD.,

Plaintiffs,

v.

CIPLA USA, INC. and CIPLA LTD.,

Defendants.

Case 2:24-909 (SRC)(MAH) (consolidated)
Case 2:24-5856 (SRC)(MAH)
Case 2:24-7162 (SRC)(MAH)

TEVA BRANDED PHARMACEUTICAL,
PRODUCTS R&D, INC., and NORTON
(WATERFORD) LTD.,

Plaintiffs,

v.

CIPLA USA, INC. and CIPLA LTD.,

Defendants.

Case 2:24-9691 (SRC)(MAH)

STIPULATION AND [PROPOSED] ORDER

Plaintiffs Teva Branded Pharmaceutical Products R&D, Inc. and Norton (Waterford) Ltd. (“Norton”) (collectively, “Teva”) and Defendants Cipla USA, Inc. and Cipla Ltd. (collectively, “Cipla”), by their undersigned counsel, stipulate and agree as follows:

WHEREAS, on February 16, 2024, May 6, 2024, and June 21, 2024, Teva filed three Hatch-Waxman patent-infringement actions against Cipla related to Cipla’s Beclomethasone Dipropionate HFA Inhalation Aerosol, 40 mcg (Breath-Actuated) product (“Cipla’s 40 mcg Product”). *See* C.A. No. 24-909 (SRC)(MAH), D.I. 1; C.A. No. 24-5856 (SRC)(MAH), D.I. 1; C.A. No. 24-7162 (SRC)(MAH), D.I. 1.

WHEREAS, on June 13, 2024, the Court consolidated the two existing actions involving Cipla’s 40 mcg Product with a third action involving that product into Civil Action No. 24-909 (SRC)(MAH) (the “40 mcg Action”). *See* C.A. No. 24-909, D.I. 13.

WHEREAS, on October 9, 2024, Teva filed an additional Hatch-Waxman action (the “80 mcg Action”) related to Cipla’s Beclomethasone Dipropionate HFA Inhalation Aerosol, 80 mcg (Breath-Actuated) product. *See* C.A. No. 24-9691 (SRC)(MAH), D.I. 1.

WHEREAS, on January 14, 2025, the Court scheduled the initial pretrial conference in the 80 mcg Action for February 13, 2025.

WHEREAS, the parties respectfully submit that Court and party resources would be most effectively conserved by consolidating the 40 mcg and 80 mcg Actions.

NOW THEREFORE, Teva and Cipla hereby stipulate and agree, subject to the approval of the Court, as follows:

1. To conserve judicial resources, Teva and Cipla agree to consolidate the 40 mcg Action with the 80 mcg Action, with the 40 mcg Action serving as the lead case, for all purposes, including discovery, case management, and trial, subject to further order of the Court.

2. Cipla agrees to treat Plaintiffs' requests for discovery regarding "Cipla's ANDA Products" as encompassing both Cipla's Beclomethasone Dipropionate Inhalation Aerosol, 40 mcg and Cipla's Beclomethasone Dipropionate Inhalation Aerosol, 80 mcg.

3. Plaintiffs agree to treat Cipla's discovery requests concerning "Cipla's ANDA" and as encompassing both ANDA No. 219000 and ANDA No. 219774.

4. Plaintiffs agree to treat Cipla's discovery request concerning Plaintiffs' QVAR® RediHaler® product to encompass the 40 mcg and 80 mcg strengths.

5. The parties agree that their Disclosures under the Local Rules that have been served, including Local Patent Rules 3.1, 3.2, 3.2A, 3.3, 3.4, 3.4A, and 3.6 apply to both Cipla's Beclomethasone Dipropionate Inhalation Aerosol, 40 mcg and Cipla's Beclomethasone Dipropionate Inhalation Aerosol, 80 mcg.

6. The parties agree and stipulate to the proposed consolidated schedule for the 24-9691 Action and the 40 mcg Actions attached hereto as Exhibit A, which amends the current Scheduling Order in the 40 mcg Actions set forth by the Court on August 13, 2024 (C.A. No. 24-909, D.I. 38), amended by the Court on August 26, 2024 (C.A. No. 24-909, D.I. 42), amended by Joint Stipulation on October 30, 2024 (C.A. No. 24-909, D.I. 50), and amended by Joint Stipulation on December 12, 2024 (C.A. No. 24-909, D.I. 55).

Respectfully submitted,

Dated: January 22, 2025

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SO ORDERED.

Hon. Michael A. Hammer, U.S.M.J.

Exhibit A

<u>Event</u>	<u>Current Deadline</u>	<u>Proposed Deadline</u>
Cipla serves list of additional documents from Cipla's 80 mcg ANDA that it intends to rely upon to support its non-infringement contentions	N/A	January 27, 2025
Plaintiffs serve list of additional documents from Cipla's 80 mcg ANDA that they intend to rely upon to support their infringement contentions	N/A	February 3, 2025
Exchange of proposed terms for construction (L. Pat. R. 4.1(a))	January 22, 2025	February 10, 2025
Deadline to serve Requests for Production	January 31, 2025	April 18, 2025
Deadline to serve Interrogatories and Requests for Admission	January 31, 2025	April 18, 2025
Exchange of preliminary claim constructions and identify any intrinsic and extrinsic evidence (L. Pat. R. 4.2(c))	February 5, 2025	February 19, 2025
Meet and confer to narrow claim construction issues (L. Pat. R. 4.2(d))	February 12, 2025	February 26, 2025
Joint Claim Construction and Prehearing Statement	January 29, 2025	March 4, 2025
Deadline to complete non-expert claim-construction discovery	February 19, 2025	March 5, 2025
Opening <i>Markman</i> briefs	March 5, 2025	March 19, 2025

Expert discovery regarding <i>Markman</i> issues	March 19, 2025	April 4, 2025
Deadline for raising discovery disputes	March 31, 2025	May 30, 2025
Responsive <i>Markman</i> briefs	April 9, 2025	April 23, 2025
Parties meet and confer on a proposed schedule for <i>Markman</i> hearing and submit proposal to Court	April 11, 2025	April 25, 2025
Substantial completion of document production	May 2, 2025	April 11, 2025
Deadline for adding parties/amending pleadings	May 9, 2025	May 23, 2025
Fact discovery deadline	June 27, 2025	July 11, 2025
Opening expert reports due	August 1, 2025	August 22, 2025
Responsive expert reports due	September 19, 2025	October 17, 2025
Reply expert reports due	October 17, 2025	November 14, 2025
Expert discovery deadline	November 14, 2025	December 12, 2025
Final Pretrial Order delivered to Chambers	December 19, 2025	January 16, 2026
Final pretrial conference	January 5, 2026	February 2, 2026
40 mcg 30-month stay expires	July 5, 2026	July 5, 2026
80 mcg 30-month stay expires	March 13, 2027	March 13, 2027